

REMARKS

The Applicants have filed the present Response in reply to the outstanding Requirement for Restriction of November 10, 2004. The Applicants believe Response to be fully responsive to the Requirement for the reasons set forth below.

Claims 5-46 are pending in the above-referenced application. The Examiner has subjected the pending claims to a restriction pursuant to 35 U.S.C. § 121 as follows:

Group I – Claims 5-12, drawn to fuel additive composition, classified in class 514;

Group II – Claims 13-30, drawn to a process for preparing a fuel additive, classified in class 568, subclass 607;

Group III – Claims 31-32, drawn to a second fuel additive, classified in class 568, subclass 607;

Group IV – Claims 33-44, drawn to a packet of fuel additives, classified in class 514; and

Group V – Claims 45-46, drawn to a process for producing a packet of fuel additives, classified in class 568, subclass 607.

As stated above, in response to the Examiner's requirement for restriction, the Applicants provisionally elect to prosecute the subject matter of Group I (i.e., Claims 5-12).

However, the Applicants respectfully traverse the Examiner's requirement for restriction as to Groups I, II and III. More specifically, the fuel additive of Group I is a multi-constituent mixture of polymers that has a specific distribution of molecular mass, which depends upon the process for producing the fuel additive of Group II. That is, the features of the fuel additive (thermal decomposition rate in the air atmosphere, solubility in other constituents, and the like) are inseparably connected with the process of producing the fuel additive. Furthermore, Group III is directed to the fuel additive produced by the process of Group II; thus the fuel additive of Group III is also inseparably connected with the process of producing the fuel additive. Therefore, the Applicants respectfully submit that the foregoing Groups I, II and III, relating to the fuel additive and the method of producing the fuel additive, constitute unity of invention and are not distinct inventions.


Consequently, the Applicants respectfully solicit the Examiner to withdraw the restriction requirement as to Groups I, II and III, and to examine the claims of these Groups on the merits in the forthcoming Official Action.

In addition, the Applicants reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims.

In view of the foregoing, the Applicants respectfully request that the claims of Groups I, II and III be kept together and examined on the merits. If the Examiner

believes a telephone conference might be helpful in this case, the Applicants respectfully request the Examiner to call the undersigned, Applicants' attorney, at the following telephone number (516) 746-8000.

Respectfully submitted,


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